

# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

SECOND REGULAR SESSION  
SIXTIETH LEGISLATURE

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SEVENTY-SECOND LEGISLATIVE DAY  
TUESDAY, MARCH 23, 2010

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 10 a.m.

Roll call showed all members present.

Prayer was offered by Chaplain Montie Ralstin.

The Pledge of Allegiance was led by Corin Ravsten, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 22, 2010, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

### Petitions, Resolutions, and Memorials

#### SCR 125

#### BY STATE AFFAIRS COMMITTEE

#### A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND APPROVING ADMINISTRATIVE RULES THAT IMPOSE A FEE OR CHARGE, WITH STATED EXCEPTIONS AND REJECTING CERTAIN AGENCY RULES THAT ARE NOT APPROVED.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature pursuant to Section 67-5224, Idaho Code, must approve certain administrative rules that impose a fee or charge by adoption of a concurrent resolution before the rules become effective; and

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule docket of the Department of Health and Welfare, Rules Governing Standards for Child Care Licensing is not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Department of Lands governing Regulation of Beds, Waters and Airspace Over Navigable Lakes are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Department of Lands governing the Leases on State-Owned Submerged and Formerly Submerged Lands are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that a certain rule docket of the Endowment Fund Investment Board, Rules Governing the Credit Enhancement Program for School Districts is not consistent with legislative intent; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixtieth Idaho Legislature, the Senate and the House of Representatives concurring therein, that all pending administrative rules or portions of pending administrative rules adopted by state agencies pursuant to the Administrative Procedure Act during the prior calendar year, and submitted through the Office of Rules Coordinator to the Legislature for review during the 2010 legislative session, which impose a fee or charge, be, and the same are approved, with the exception of the following enumerated pending fee rules:

IDAPA 16.06.02, Rules of the Department of Health and Welfare, Rules Governing Standards for Child Care Licensing, adopted as a pending fee rule under Docket Number 16-0602-0901, the entire rulemaking docket.

IDAPA 20.03.04, Rules of the Department of Lands, Regulation of Beds, Waters and Airspace Over Navigable Lakes, Section 020, Applications, Subsection 07.e, Forms, Filing, Section 035, Temporary Permits, Subsection 04, Fee, and Section 065, Assignments, Subsection 02, Assignment Fee, only, adopted as pending fee rules under Docket Number 20-0304-0901;

IDAPA 20.03.17, Rules of the Department of Lands, Leases on State-Owned Submerged and Formerly Submerged Lands, Section 030, Lease Application, Fee, and Procedure, Subsection 01, Fee, and Section 055, Assignments, Assignment Fee, Subsection 02, Assignment Fee, only, adopted as pending fee rules under Docket Number 20-0317-0901; and

IDAPA 32.01.01, Rules of the Endowment Fund Investment Board, Rules Governing the Credit Enhancement Program for School Districts, adopted as pending fee rules under Docket Number 32-0101-0901 (New Chapter), the entire rulemaking docket.

BE IT FURTHER RESOLVED that IDAPA 16.06.02, Rules of the Department of Health and Welfare, Rules Governing Standards for Child Care Licensing, adopted as a pending fee rule under Docket Number 16-0602-0901, the entire rulemaking docket; IDAPA 20.03.04, Rules of the Department of Lands, Regulation of Beds, Waters and Airspace Over Navigable Lakes, Section 020, Applications, Subsection 07.e, Forms,

Filing, Section 035, Temporary Permits, Subsection 04, Fee, and Section 065, Assignments, Subsection 02, Assignment Fee, only, adopted as pending fee rules under Docket Number 20-0304-0901; IDAPA 20.03.17, Rules of the Department of Lands, Leases on State-Owned Submerged and Formerly Submerged Lands, Section 030, Lease Application, Fee, and Procedure, Subsection 01, Fee, and Section 055, Assignments, Assignment Fee, Subsection 02, Assignment Fee, only, adopted as pending fee rules under Docket Number 20-0317-0901; and IDAPA 32.01.01, Rules of the Endowment Fund Investment Board, Rules Governing the Credit Enhancement Program for School Districts, adopted as pending fee rules under Docket Number 32-0101-0901 (New Chapter), the entire rulemaking docket, are hereby rejected and not approved, and thereby pursuant to Section 67-5291 and Section 67-5224, Idaho Code, are declared null, void and of no force and effect.

BE IT FURTHER RESOLVED that rule provisions imposing fees or charges that were not submitted through the Office of Rules Coordinator for legislative review or that otherwise are not included and approved in this concurrent resolution shall be null, void and of no force and effect unless approved by adoption of a separate concurrent resolution by both houses of the Legislature as provided in Section 67-5224, Idaho Code.

**SCR 126**  
**BY STATE AFFAIRS COMMITTEE**  
**A CONCURRENT RESOLUTION**

STATING LEGISLATIVE FINDINGS AND APPROVING  
AND EXTENDING TEMPORARY RULES REVIEWED BY  
THE LEGISLATURE.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature by statute must approve temporary rules by adoption of a concurrent resolution approving the rule if the temporary rule is to remain in effect beyond the end of the current legislative session; and

WHEREAS, the expiration of temporary rules would occasion additional expense to state agencies in readopting and republishing temporary rules needed to conduct state business; and

WHEREAS, the Legislature finds that it is in the public interest to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixtieth Idaho Legislature, the Senate and the House of Representatives concurring therein, that all temporary rules adopted by state agencies pursuant to the Administrative Procedure Act and submitted to the Legislature at the Legislature's request through the Office of Rules Coordinator for review during the 2010 legislative session, and all temporary rules previously approved and extended by concurrent resolution adopted in a prior regular session of the Idaho Legislature, be, and the same are approved.

BE IT FURTHER RESOLVED that a temporary rule or partial temporary rule approved by this concurrent resolution shall remain in effect until it expires by its own terms or by operation of law or until it is replaced by a final rule, but in no event shall a temporary rule remain in effect beyond the conclusion of the First Regular Session of the Sixty-first Idaho Legislature unless it is further extended by adoption of a concurrent resolution by both houses of the Legislature. Temporary rules or sections of temporary rules which were not submitted to the Legislature for review during the 2010

legislative session shall expire by operation of statute upon adjournment of the Second Regular Session of the Sixtieth Idaho Legislature, unless approved by adoption of a separate concurrent resolution by both houses of the Legislature.

[SCR 125](#) and [SCR 126](#) were introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

**Reports of Standing Committees**

March 22, 2010

The JUDICIARY AND RULES Committee reports that [S 1248](#), [S 1250](#), [S 1251](#), [S 1312](#), [S 1323](#), [S 1324](#), [S 1325](#), [S 1366](#), as amended, [S 1370](#), [S 1402](#), [S 1404](#), [S 1405](#), and [S 1406](#) have been correctly enrolled.

DARRINGTON, Chairman

The President Pro Tempore signed Enrolled [S 1248](#), [S 1250](#), [S 1251](#), [S 1312](#), [S 1323](#), [S 1324](#), [S 1325](#), [S 1366](#), as amended, [S 1370](#), [S 1402](#), [S 1404](#), [S 1405](#), and [S 1406](#) and ordered them transmitted to the House for the signature of the Speaker.

March 22, 2010

The JUDICIARY AND RULES Committee reports that Enrolled [S 1313](#), [S 1314](#), [S 1321](#), [S 1353](#), and [S 1355](#) were delivered to the Office of the Governor at 3:30 p.m., March 22, 2010.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 22, 2010

The RESOURCES AND ENVIRONMENT Committee reports it has had under consideration the Gubernatorial appointments listed below and the Committee recommends that said appointments be confirmed by the Senate:

Ford Elsaesser to the Lake Pend Oreille Basin Commission, term to expire July 24, 2012.

Marc Brinkmeyer to the Lake Pend Oreille Basin Commission, term to expire July 24, 2011.

Linda Mitchell to the Lake Pend Oreille Basin Commission, term to expire July 24, 2012.

SCHROEDER, Chairman

The Gubernatorial appointments were referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 22, 2010

The EDUCATION Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Roderic W. Lewis to the State Board of Education, term to expire March 1, 2015.

GOEDDE, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

March 22, 2010

The EDUCATION Committee reports out [HCR 48](#) with the recommendation that it be referred to the State Affairs Committee.

GOEDDE, Chairman

There being no objection, [HCR 48](#) was referred to the State Affairs Committee.

March 22, 2010

The EDUCATION Committee reports out [H 636](#) and [H 662](#) with the recommendation that they do pass.

GOEDDE, Chairman

[H 636](#) and [H 662](#) were filed for second reading.

March 22, 2010

The EDUCATION Committee reports out [S 1422](#) with the recommendation that it do pass.

GOEDDE, Chairman

[S 1422](#) was filed for second reading.

March 22, 2010

The FINANCE Committee reports out [H 677](#), [H 678](#), and [H 679](#) with the recommendation that they do pass.

CAMERON, Chairman

[H 677](#), [H 678](#), and [H 679](#) were filed for second reading.

March 22, 2010

The HEALTH AND WELFARE Committee reports out [H 657](#) with the recommendation that it do pass, and with the recommendation that it be placed on the Consent Calendar.

LODGE, Chairman

[H 657](#) was filed for second reading.

March 22, 2010

The HEALTH AND WELFARE Committee reports out [H 656](#) with the recommendation that it do pass.

LODGE, Chairman

[H 656](#) was filed for second reading.

March 22, 2010

The FINANCE Committee reports out [H 683](#), [H 685](#), [H 689](#), and [H 690](#) with the recommendation that they do pass.

CAMERON, Chairman

[H 683](#), [H 685](#), [H 689](#), and [H 690](#) were filed for second reading.

March 22, 2010

The AGRICULTURAL AFFAIRS Committee reports out [HCR 59](#) with the recommendation that it do pass.

CORDER, Chairman

[HCR 59](#) was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

### Messages from the House

March 22, 2010

Dear Mr. President:

I return herewith [S 1359](#), [S 1330](#), as amended, [S 1378](#), as amended, and [S 1305](#), as amended, which have passed the House.

ALEXANDER, Chief Clerk

[S 1359](#), [S 1330](#), as amended, [S 1378](#), as amended, and [S 1305](#), as amended, were referred to the Judiciary and Rules Committee for enrolling.

March 22, 2010

Dear Mr. President:

I transmit herewith Enrolled [H 467](#), [H 477](#), [H 526](#), [H 527](#), [H 625](#), [H 626](#), [H 490](#), [H 557](#), [H 559](#), [H 599](#), [H 498](#), [H 529](#), [H 558](#), as amended, [H 457](#), [H 486](#), [H 540](#), [H 564](#), [H 642](#), [H 521](#), [H 522](#), [H 588](#), [H 648](#), [H 641](#), [H 649](#), [H 508](#), [H 556](#), as amended, [H 495](#), as amended, and [H 610](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President Pro Tempore signed Enrolled [H 467](#), [H 477](#), [H 526](#), [H 527](#), [H 625](#), [H 626](#), [H 490](#), [H 557](#), [H 559](#), [H 599](#), [H 498](#), [H 529](#), [H 558](#), as amended, [H 457](#), [H 486](#), [H 540](#), [H 564](#), [H 642](#), [H 521](#), [H 522](#), [H 588](#), [H 648](#), [H 641](#), [H 649](#), [H 508](#), [H 556](#), as amended, [H 495](#), as amended, and [H 610](#) and ordered them returned to the House.

The Senate advanced to the Tenth Order of Business.

### Motions and Resolutions

The President Pro Tempore announced that [HCR 36](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Werk, seconded by Senator Fulcher, [HCR 36](#) was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The President Pro Tempore announced that [HCR 37](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Davis, seconded by Senator Kelly, [HCR 37](#) was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The President Pro Tempore announced that [HCR 47](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Stegner, seconded by Acting Senator Stennett, [HCR 47](#) was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The President Pro Tempore announced that [HCR 49](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator McKenzie, seconded by Acting Senator Stennett, [HCR 49](#) was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The President Pro Tempore announced that [HCR 55](#) was before the Senate for final consideration.

Moved by Senator Pearce, seconded by Senator Fulcher, that [HCR 55](#) be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES—Bair, Brackett, Cameron, Darrington, Davis, Fulcher, Geddes, Hammond, Heinrich, Hill, Kerby (Keough), McGee, McKague, McKenzie, Mortimer, Pearce, Siddoway, Smyser, Winder. Total - 19.

NAYS—Andreason, Bilyeu, Bock, Broadsword, Coiner, Corder, Goedde, Jorgenson, Kelly, LeFavour, Lodge, Malepeai, Schroeder, Stegner, Stennett (Stennett), Werk. Total - 16.

Total - 35.

Whereupon the President Pro Tempore declared [HCR 55](#) adopted, title was approved, and the resolution ordered returned to the House.

The President Pro Tempore announced that [HCR 63](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Pearce, seconded by Senator Werk, [HCR 63](#) was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The President Pro Tempore announced that [HCR 58](#) was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Acting Senator Kerby, seconded by Senator Fulcher, [HCR 58](#) was adopted by voice vote, title was approved, and the resolution ordered returned to the House.

The Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading, and Reference of Bills,  
House Petitions, Resolutions, and Memorials**

**S 1428**

**BY FINANCE COMMITTEE**

**AN ACT**

REDUCING THE APPROPRIATION TO THE DIVISION OF VOCATIONAL REHABILITATION FOR FISCAL YEAR 2010; APPROPRIATING MONEYS TO THE DIVISION OF VOCATIONAL REHABILITATION FOR FISCAL YEAR 2011; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT ON SHARING OFFICE SPACE; AND DECLARING AN EMERGENCY.

**S 1429**

**BY FINANCE COMMITTEE**

**AN ACT**

REDUCING THE APPROPRIATION TO THE IDAHO COMMISSION FOR LIBRARIES FOR FISCAL YEAR 2010; APPROPRIATING MONEYS TO THE IDAHO COMMISSION FOR LIBRARIES FOR FISCAL YEAR 2011; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT ON RESTORING ONE-TIME SAVINGS; PROVIDING LEGISLATIVE INTENT TO ALLOW FLEXIBILITY IN DEALING WITH REDUCED APPROPRIATIONS FOR FISCAL YEAR 2011; AND DECLARING AN EMERGENCY.

**S 1430**

**BY FINANCE COMMITTEE**

**AN ACT**

REDUCING THE APPROPRIATION TO THE IDAHO COMMISSION ON HISPANIC AFFAIRS FOR FISCAL YEAR 2010; APPROPRIATING MONEYS TO THE IDAHO COMMISSION ON HISPANIC AFFAIRS FOR FISCAL YEAR 2011; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND DECLARING AN EMERGENCY.

**S 1431**

**BY FINANCE COMMITTEE**

**AN ACT**

REDUCING THE APPROPRIATION TO THE PUBLIC HEALTH TRUST FUND FOR FISCAL YEAR 2010 AND REDUCING THE TRANSFER FROM THE GENERAL FUND; APPROPRIATING MONEYS AND DIRECTING A TRANSFER OF FUNDS TO THE PUBLIC HEALTH TRUST FUND FOR FISCAL YEAR 2011; AND DECLARING AN EMERGENCY.

**S 1432**

**BY FINANCE COMMITTEE**

**AN ACT**

REDUCING THE APPROPRIATION TO THE COMMISSION ON AGING FOR FISCAL YEAR 2010; APPROPRIATING MONEYS FOR THE COMMISSION ON AGING FOR FISCAL YEAR 2011; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; AND DECLARING AN EMERGENCY.

**S 1433**

**BY FINANCE COMMITTEE**

**AN ACT**

REDUCING THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE INDEPENDENT COUNCILS FOR FISCAL YEAR 2010; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR THE DOMESTIC VIOLENCE COUNCIL FOR FISCAL YEAR 2010; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR INDEPENDENT COUNCILS FOR FISCAL YEAR 2011; PROVIDING THAT THE STATE CONTROLLER SHALL MAKE TRANSFERS FROM THE GENERAL FUND; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS FOR THE INDEPENDENT COUNCILS; PROVIDING LEGISLATIVE INTENT FOR THE EDUCATION STIPEND FOR DEPARTMENT OF HEALTH AND WELFARE EMPLOYEES; ALLOWING TRANSFERS BETWEEN PERSONNEL COSTS AND OPERATING EXPENDITURES; PROVIDING LEGISLATIVE INTENT FOR PROGRAM INTEGRITY; AND DECLARING AN EMERGENCY.

**S 1434**

**BY FINANCE COMMITTEE**

**AN ACT**

REDUCING THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR PSYCHIATRIC HOSPITALIZATION FOR FISCAL YEAR 2010; APPROPRIATING MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR PSYCHIATRIC HOSPITALIZATION FOR FISCAL YEAR 2011; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING THAT THE STATE CONTROLLER SHALL MAKE TRANSFERS FROM THE GENERAL FUND;

DIRECTING THAT FUNDS FOR TRUSTEE AND BENEFIT PAYMENTS SHALL NOT BE TRANSFERRED; PROVIDING LEGISLATIVE INTENT FOR THE EDUCATION STIPEND FOR DEPARTMENT OF HEALTH AND WELFARE EMPLOYEES; ALLOWING TRANSFERS BETWEEN PERSONNEL COSTS AND OPERATING EXPENDITURES; PROVIDING LEGISLATIVE INTENT ON PROGRAM INTEGRITY; AND DECLARING AN EMERGENCY.

**S 1435  
BY FINANCE COMMITTEE  
AN ACT**

REDUCING THE APPROPRIATION TO THE DEPARTMENT OF HEALTH AND WELFARE FOR SUBSTANCE ABUSE TREATMENT AND PREVENTION FOR FISCAL YEAR 2010; APPROPRIATING ADDITIONAL MONEYS TO THE DEPARTMENT OF HEALTH AND WELFARE FOR SUBSTANCE ABUSE TREATMENT AND PREVENTION FOR FISCAL YEAR 2010; APPROPRIATING MONEYS FOR THE DEPARTMENT OF HEALTH AND WELFARE FOR SUBSTANCE ABUSE TREATMENT AND PREVENTION FOR FISCAL YEAR 2011; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING THAT THE STATE CONTROLLER SHALL MAKE TRANSFERS FROM THE GENERAL FUND; DIRECTING THAT FUNDS FOR TRUSTEE AND BENEFIT PAYMENTS SHALL NOT BE TRANSFERRED; PROVIDING LEGISLATIVE INTENT FOR THE EDUCATION STIPEND FOR DEPARTMENT OF HEALTH AND WELFARE EMPLOYEES; ALLOWING TRANSFERS BETWEEN PERSONNEL COSTS AND OPERATING EXPENDITURES; PROVIDING LEGISLATIVE INTENT FOR PROGRAM INTEGRITY; DIRECTING EXPENDITURES FOR GAIN PROVIDER TRAINING; DIRECTING EXPENDITURES FOR A STATEWIDE MEDIA CAMPAIGN FOR UNDERAGE DRINKING; AND DECLARING AN EMERGENCY.

[S 1428](#), [S 1429](#), [S 1430](#), [S 1431](#), [S 1432](#), [S 1433](#), [S 1434](#), and [S 1435](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

[H 664](#), by State Affairs Committee, was read the second time at length and filed for third reading.

[H 659](#), [H 660](#), and [H 661](#), by Appropriations Committee, were read the second time at length and filed for third reading.

[S 1419](#), [S 1420](#), [S 1423](#), and [S 1424](#), by Finance Committee, were read the second time at length and filed for third reading.

[H 668](#), [H 669](#), [H 670](#), and [H 671](#), by Appropriations Committee, were read the second time at length and filed for third reading.

[S 1426](#) and [S 1427](#), by Finance Committee, were read the second time at length and filed for third reading.

[H 492](#), [H 575](#), and [H 617](#), by State Affairs Committee, were read the second time at length and filed for third reading.

[H 407](#), as amended, by Resources and Conservation Committee, was read the second time at length and filed for third reading.

[H 534](#), as amended in the Senate, by Health and Welfare Committee, was read the second time at length and filed for third reading.

[S 1401](#), as amended, by State Affairs Committee, was read the second time at length and filed for third reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fourteenth Order of Business.

**General Calendar**

The President Pro Tempore declared the Senate resolved into the Committee of the Whole and called Senator Stegner to the Chair to preside during the sitting of the Committee of the Whole.

Following the adjournment of the Committee of the Whole, the President Pro Tempore called the Senate to order.

**Report of the Committee of the Whole**

Senator Stegner, Chairman of the Committee of the Whole, reported out [H 598](#), without recommendation, amended as follows:

**SENATE AMENDMENT TO H 598  
AMENDMENT TO SECTION 1**

On page 1 of the printed bill, delete lines 19 through 22, and insert: "If the district obtains a surety bond, blanket surety bond or crime insurance coverage pursuant to the applicable provisions of chapter 8, title 59, Idaho Code, the directors shall not be required to post a bond under the provisions of this section.".

The Committee also has [S 1348](#), [S 1350](#), and [S 1271](#) under consideration, reports progress, and begs leave to sit again.

STEGNER, Chairman

On motion by Senator Stegner, seconded by Senator Werk, the report was adopted by voice vote.

[H 598](#), as amended in the Senate, was filed for first reading as amended, and the amendments thereto were referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Thirteenth Order of Business.

**Third Reading of Bills**

[S 1417](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bilyeu arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President Pro Tempore declared [S 1417](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Stegner, granted by unanimous consent, [S 1411](#), as amended, retained its place on the Third Reading Calendar.



S 1425 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Davis arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President Pro Tempore declared S 1425 passed, title was approved, and the bill ordered transmitted to the House.

The Senate considered the Consent Calendar at this time.

H 604, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President Pro Tempore declared H 604, as amended, passed, title was approved, and the bill ordered returned to the House.

H 428 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Coiner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President Pro Tempore declared H 428 passed, title was approved, and the bill ordered returned to the House.

H 429 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Smyser arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President Pro Tempore declared H 429 passed, title was approved, and the bill ordered returned to the House.

H 461 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Coiner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President Pro Tempore declared H 461 passed, title was approved, and the bill ordered returned to the House.

H 537, as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator LeFavour arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President Pro Tempore declared H 537, as amended, passed, title was approved, and the bill ordered returned to the House.

H 502 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Coiner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 35.

Whereupon the President Pro Tempore declared H 502 passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Fifth Order of Business.

#### **Petitions, Resolutions, and Memorials**

On motion by Senator Davis, seconded by Senator Kelly, by voice vote the Senate recessed at 12:02 p.m. until the hour of 4 p.m. of this day.

### RECESS AFTERNOON SESSION

The Senate reconvened at 4 p.m., pursuant to recess, President Little presiding.

Roll call showed all members present except Senators Brackett, Broadsword, Cameron, Goedde, Hill, Malepeai, Mortimer, and Werk, absent and excused.

Prior to recess the Senate was at the Fifth Order of Business, Petitions, Resolutions, and Memorials.

The Senate advanced to the Sixth Order of Business.

#### Reports of Standing Committees

March 23, 2010

The JUDICIARY AND RULES Committee reports that Senate amendments to [H 598](#) have been correctly printed.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

Senators Malepeai and Werk were recorded present at this order of business.

March 23, 2010

The COMMERCE AND HUMAN RESOURCES Committee reports out [H 503](#) and [H 646](#), as amended, with the recommendation that they do pass.

ANDREASON, Chairman

[H 503](#) and [H 646](#), as amended, were filed for second reading.

March 23, 2010

The TRANSPORTATION Committee reports out [H 586](#), as amended, and [H 609](#) with the recommendation that they do pass.

MCGEE, Chairman

[H 586](#), as amended, and [H 609](#) were filed for second reading.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

#### Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

[H 598](#), as amended in the Senate, by State Affairs Committee, was read the first time at length and filed for second reading.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

#### Third Reading of Bills

Senators Broadsword, Brackett, Cameron, Goedde, Hill, and Mortimer were recorded present at this order of business.

[S 1411](#), as amended, having been held, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bilyeu, Bock, Brackett, Broadsword, Coiner, Corder, Goedde, Hammond, Heinrich, Hill, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKenzie,

Mortimer, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Winder. Total - 24.

NAYS—Bair, Cameron, Darrington, Davis, Fulcher, Geddes, Jorgenson, Kelly, McKague, Pearce, Werk. Total - 11.

Total - 35.

Whereupon the President declared [S 1411](#), as amended, passed, title was approved, and the bill ordered transmitted to the House.

[SJR 102](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Winder arose as sponsor of the resolution and opened the debate. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bock, Brackett, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 30.

NAYS—Bilyeu, Broadsword, Kerby (Keough), LeFavour, Schroeder. Total - 5.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared [SJR 102](#) adopted, title was approved, and the resolution ordered transmitted to the House.

[SJR 103](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Winder arose as sponsor of the resolution and opened the debate. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 32.

NAYS—Kerby (Keough), LeFavour, Schroeder. Total - 3.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared [SJR 103](#) adopted, title was approved, and the resolution ordered transmitted to the House.

#### Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of [S 1401](#), as amended, were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

[S 1401](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Jorgenson. Total - 1.

Total - 35.

Whereupon the President declared [S 1401](#), as amended, passed, title was approved, and the bill ordered transmitted to the House.

[H 545](#), as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Pearce arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Kelly, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Stennett (Stennett), Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Jorgenson. Total - 1.

Total - 35.

Whereupon the President declared [H 545](#), as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

[H 493](#), as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Fulcher arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Bair, Bilyeu, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Kerby (Keough), LeFavour, Lodge, Malepeai, McGee, McKague, McKenzie, Mortimer, Pearce, Siddoway, Smyser, Stennett (Stennett), Winder. Total - 27.

NAYS—Andreason, Bock, Coiner, Kelly, Schroeder, Stegner, Werk. Total - 7.

Absent and excused—Jorgenson. Total - 1.

Total - 35.

Whereupon the President declared [H 493](#), as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, all Senate bills were placed at the head of the Third Reading Calendar, followed by House bills amended in the Senate, followed by House bills.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

### Miscellaneous Business

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 6:05 p.m. until the hour of 10 a.m., Wednesday, March 24, 2010.

BRAD LITTLE, President

Attest: JEANNINE WOOD, Secretary